UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE – SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: June 21, 2016

SUBJ: Request for an Emergency Removal Action at the Davis Avenue Fire Response Site, Norwood, Norfolk County, Massachusetts - **Action Memorandum**

FROM: John McKeown, On-Scene Coordinator
Emergency Response and Removal Section I

THRU: Edward J. Bazenas, Chief
Emergency Response and Removal Section I

Carol Tucker, Chief
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TO: Bryan Olson, Director
Office of Site Remediation and Restoration

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed Emergency Removal Action (ERA) at the Davis Avenue Fire Response Site (the Site), which is located at 85 Davis Avenue in Norwood, Norfolk County, Massachusetts. Hazardous substances present in the drums, containers, burned building debris, fire-fighting runoff water, and suspected asbestos containing materials (ACM) at the Site, if not addressed by implementing the response actions described in this Action Memorandum, will continue to pose a threat to human health and the environment. There are no nationally significant or precedent-setting issues associated with this Site, and there has been no use of the OSC's $200,000 warrant authority.

II. SITE CONDITIONS AND BACKGROUND

EPA ID# : MAN000101941
SITE ID# : 01NC
CATEGORY : Emergency Response Removal Action

A. Site Description

1. Removal site evaluation

At approximately 0220hrs on June 16, 2016, Massachusetts Department of Environmental Protection (MassDEP) was notified by the Norwood Fire Department (FD) of a fire at 85 Davis Avenue in Norwood, MA. (The reported address at the time was the adjacent 59 Davis Ave facility). According to Norwood FD, firefighting runoff water mixed with leaking contaminants from containers in the building was releasing to Hawes Brook, which runs beneath the building. The fire was under control by the mid-morning of June 16, 2016, but as of June 20th, suppression water was still being intermittently applied to smoldering hotspots.

MassDEP responded to the Site and observed several containers in the building, but was unable to access the area due to safety concerns. Shortly after MassDEP arrived on scene, they were notified of a reported fish and bird kill in Hawes Brook, which then flows into the Neponset River approximately 4000 feet downstream of the site. Massachusetts Fish & Wildlife responded to assess the reported fish and bird kills. During the downstream assessment it was observed that local surface waters were stained a reddish color.

At 1030 hrs on June 16th, MassDEP informed EPA of the release and an EPA On-Scene Coordinator (OSC) and Weston Solutions, Inc., Superfund Technical Assessment and Response Team (START) START contractors were dispatched to support MassDEP with sampling and analysis of fire-fighting runoff water impacts in Hawes Brook. Upon arriving on scene, the Region 1 OSC integrated into a Unified Command with Norwood FD and MassDEP. The OSC determined that highest priority task was to contain pooled fire-fighting runoff water on site to prevent further impact to Hawes Brook. The OSC requested Emergency Rapid Response Services (ERRS) contractor support to contain the runoff water/leaking container fluids. The OSC also determined that the mixed runoff water/leaking container fluids were continuously releasing from the building to Hawes Brook through unknown pathways beneath the fire-damaged building and debris. To address this uncontrolled release, ERRS was tasked to disassemble the building and move/secure containers as necessary to find, access and stop or mitigate this uncontrolled release. The containers will be staged for disposal at a later date.

START contractors collected samples of surface and runoff water. Samples were delivered to the EPA regional lab for analysis. Regional EPA Water programs, regional Public Information Office and U.S. Department of Interior Trustees were notified of this incident. In addition, the OSC visually identified numerous containers and drums of potentially hazardous materials that can be safely reached as ERRS progresses through the debris. The OSC also identified suspected asbestos containing materials (ACM) and samples were taken for confirmation. In the interim, suspected ACM materials are being segregated in lined roll-off containers.

2. Physical location

The Site is located at 85 Davis Avenue, Norfolk County, Massachusetts and is surrounded by a dense industrial area. There are residences to the south and west within a quarter mile of the Site. Adjacent and west of the Site is a large building which houses a Seventh Day Adventist Church and other businesses. North and east of the Site are businesses. The Hawes Brook runs directly

beneath the building along the northeast edge. The geographic coordinates at the approximate center of the Site are 42° 10' 34.32" North Longitude and 71° 13' 9.45121" West Latitude.

3. Site characteristics

Based on information in EPA's EJSCREEN environmental justice screening tool, 0 out of 12 Environmental Justice Indexes for the area within a one mile radius of the Site exceed the 80th percentile on a national basis, despite a preponderance of low-income rental properties.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

There are numerous containers and drums of potentially hazardous materials. The best information to date (based on reported building use history and operating experience) indicates that hazardous substances present on site include dyes, acids, caustics, metal solutions, VOCs, and flammable and explosive materials. Leaking contents from these containers and drums are mixing with the fire-fighting water and continuously releasing to Hawes Brook, which flows underneath the building via hidden and unknown pathway(s). Hawes brook was stained red for some distance and there is an evident fish kill and a reported bird kill. Though not a primary objective of the response, fire-damaged suspected ACM was visually identified by the OSC and presents an airborne hazard.

5. NPL status

The site is not currently on the National Priorities List, and has not received a Hazardous Ranking System rating.

B. Other Actions to Date

EPA has not conducted previous removal actions at the Site.

C. State and Local Authorities' Roles

1. State and local actions to date

MassDEP has not had any previous actions at this Site. Norwood FD reports they previously extinguished a small fire at the site.

2. Potential for continued State/local response

Neither MassDEP nor the City of Norwood have the resources to complete the removal action. They will continue to provide active support, public outreach, and a regulatory consulting role, within their respective capacity.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants; [§300.415(b)(2)(i)];

The Site is located within a heavy commercial and residential area, with numerous other operating commercial facilities (including a church) adjacent and nearby this Site. A high probability for actual and potential exposure to hazardous materials (such as acids, caustics, metal solutions, VOCs, flammables, explosives, and ACM) exists if this issue is not addressed. A fish kill in Hawes brook has been observed.

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release [§300.415(b)(2)(iii)];

Based on the observations at the time of the fire by Norwood Fire and MassDEP, and further verified by the OSC, there are a significant number of containers and drums remaining inside the damaged building at the Site. Reported building use history and operating experience indicates the likely presence of acids, caustics, metal solutions, VOCs, and flammable and explosive materials. The building has been vacant of tenants and not maintained for over 10 years. The disrepair of the building and exposure to the elements is evidenced by poor condition of the drums and containers. The bulging, leaking, and rusted containers pose an imminent threat of release. Liquid contents of containers was also confirmed by use of a thermal imager.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [§300.415(b)(2)(v)];

Remaining suspect friable asbestos fibers and ACM will be exposed and released to the environment due to the fire and susceptible to weather events. In addition, the unsecured and deteriorating drums, containers, and contaminated runoff water at the Site will continue to be exposed to various weather conditions. Any precipitation, extreme temperatures, or severe weather events (storms), will increase the likelihood of off-Site migration into Hawes Brook.

Threat of fire or explosion [§300.415(b)(2)(vi)];

MassDEP, Norwood FD, and the EPA OSC all believe the contents of many of the remaining compromised containers on the Site contain flammable and/or explosive materials that increase the continued threat and likelihood of a fire and/or explosion at the Site. These containers and drums will continue to deteriorate. Potentially incompatible substances may be released and comingle. A fire or explosion could expose nearby residents and adjacent businesses to potentially hazardous vapors and smoke.

The availability of other appropriate Federal or State response mechanisms to respond to the release [§300.415(b)(2)(vii)];

State and local agencies do not have resources available to address the contamination at the Site and have requested EPA assistance.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances or pollutants or contaminants from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment. [1]

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

USEPA will mobilize its federal resources and contractors to the Site. USEPA will conduct the following removal actions at the Site to protect public health and the environment from the threats identified in Section III:

1) Conduct a Site walk with the Emergency Rapid Response contractor (ERRS);
2) Mobilize appropriate personnel, equipment, expendables, utilities, and supplies;
3) Install utilities and working facilities and obtain permits including Digsafe;
4) Coordinate with municipalities for water supply, traffic control, etc;
5) Develop and implement an air monitoring plan;
6) Clear brush, vegetation, debris from the Site as required to access hazardous materials;
7) Disassemble the building to secure the release of contaminants to the brook, and to access drums and containers that may contain hazardous substances and pollutants and contaminants;
8) Stabilize drums, containers, ponds, diked areas, etc. (including runoff water) containing hazardous substances including over-packing drums and pumping hazardous substances into tanks, vac-trucks, as needed;
9) Collect, contain and secure uncontrolled asbestos containing materials (ACM);
10) Secure the Site with fencing, signage, and security personnel if necessary;
11) Prepare decontamination plan with designated hot zone, decontamination zone, and clean zone as well as staging pad, monitoring, and temporary access roads as required;
12) Excavate contaminated debris and surface soil;
13) Evaluate on-site treatment alternatives for stabilization/encapsulation of contaminants in soils to reduce total disposal costs;

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[1] In accordance to OSWER Directive 9360.0-34 (August 19, 1993), an endangerment determination is made based on "appropriate Superfund policy or guidance, or on collaboration with a trained risk assessor, which is outlined and discussed in Section III above. Appropriate sources include, but are not limited to, EPA relevant action level or clean-up standards, Agency for Toxic Substances and Disease Registry documents or personnel, or staff toxicologists."

14) Repair or replace response-related damage, when necessary; and
15) Categorize, stage, manifest, and ship cleanup-generated waste streams off-site for disposal at EPA-approved CERCLA compliant facilities.

2. Community relations

Due to the nature of the incident and its location with numerous adjacent and nearby commercial businesses, community interest is expected to be high. USEPA has assigned a Public Information Officer (PIO) who will work with City officials to coordinate the release of information regarding the Site to impacted residents, businesses and the media. EPA will also coordinate closely and support appropriate community relations activities such as briefings, community press releases, fact sheets, and public meetings as they are needed. work closely with the City/State officials as the project progresses. The OSC will also initiate and maintain an EPA OSC website on the progress of the RA. The OSC will also initiate and maintain an EPA OSC website on the progress of the RA.

3. Contribution to remedial performance

The cleanup proposed in this Action Memorandum is designed to mitigate the threats to human health and the environment posed by the Site. The proposed actions to be taken at the Site are consistent with and will not impede any future responses.

4. Description of alternative technologies

The use of alternative technologies with regard to disposal options will be further examined as the site work progresses, particularly with regard to off-site treatment and disposal options.

5. Applicable or relevant and appropriate requirements (ARARs)

Federal ARARs:

Federal ARARs will be met to the extent practicable considering the exigencies of the situation. The OSC has asked for and will coordinate with State officials to identify State ARARs, if any, and will meet, to the extent practicable, each ARAR identified in a timely manner.

Resource Conservation and Recovery Act, Subtitle C, 40 CFR Parts 260-262, 264, 268-270: Hazardous Waste Identification and Listing Regulations; Generator and Handler Requirements, Closure and Post-Closure, Land Disposal Restrictions.

Clean Water Act, National Pollutant Discharge Elimination System (NPDES), 40 CFR Parts 122 and 125: storm water standards for construction sites over one acre.

Clean Water Act, 40 CFR Sections 122.26(c)(ii)(C) and 122.44(k): NPDES regulations for storm water control and management.

Clean Air Act, 40 CFR Part 61: standards for controlling dust.

Clean Water Act Section 404(b), (40 CFR Parts 230 and 231, 33 CFR Parts 320-323, and 33 CFR Part 332): No activity that adversely affects a wetland shall be permitted if a practicable alternative with lesser impacts is available. Controls discharge of dredged or fill material to protect aquatic ecosystems. Any wetlands altered by the cleanup will be restored as required by regulatory standards.

Clean Water Act Federal Water Quality Criteria, Section 304(a), 40 CFR 131.11: National Recommended Water Quality Criteria for chemicals for both the protection of human health and the protection of aquatic life; to be used as water quality monitoring standards for any work in or adjacent to wetlands or water bodies.

Floodplain Management and Protection of Wetlands, 44 CFR 9 (44 CFR Part 9): Regulations that set forth the policy, procedure and responsibilities to implement and enforce Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands). Prohibits activities that adversely affect a federally-regulated wetland unless there is no practicable alternative and the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. Requires the avoidance of impacts associated with the occupancy and modification of Federally-designated 100-year and 500-year floodplain.

Fish and Wildlife Coordination (50 CFR Part 297; 16 USC Section 661 et seq.): Any modification of a body of water requires consultation with the U.S. Fish and Wildlife Services and the appropriate state wildlife agency to develop measures to prevent, mitigate or compensate for losses of fish and wildlife. This requirement is addressed under CWA Section 404 requirements.

40 CFR Part 61: Clean Air Act – National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart M – worker safety requirements.

40 CFR §§ 61.150-61.151: National Emission Standards for Hazardous Air Pollutants (NESHAPS), Standards for Inactive waste disposal sites for asbestos mills and manufacturing and fabricating operation.

OSWER Directive #9200.0-68 (Sept. 2008): Framework for Investigating Asbestos-Contaminated Superfund Sites. Guidance document for investigating and characterizing the potential human exposure from asbestos contamination in outdoor soil at Superfund sites.

State ARARs:

Massachusetts Contingency Plan 310 CMR 40.0000: Commonwealth of Massachusetts regulation for the cleanup of oil and hazardous waste Sites.

310 CMR Section 7.15; U Asbestos: Commonwealth of Massachusetts standards for handling, transporting and disposing asbestos.

The OSC will request in writing additional State ARARs, if any. In accordance with the National Contingency Plan and EPA Guidance Documents, the OSC will determine the applicability and practicability of complying with each ARAR that is identified in a timely manner.

6. Project schedule

The length of the emergency RA to secure uncontrolled releases at the site will be determined by the OSC. Remaining work will transition to a time critical removal action to mitigate the imminent threats . The time critical removal action schedule is not expected to exceed 120 days in length from the onset of response actions.

B. Estimated Costs

		CEILING
REGIONAL REMOVAL ALLOWANCE COSTS:		
ERRS Contractor		$400,000.00
Interagency Agreement		$ 0.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:		
START Contractor		$75,000.00
Extramural Subtotal		$475,000.00
Extramural Contingency	20%	$95,000.00
TOTAL, REMOVAL ACTION CEILING		**$545,000.00**

The initial ERRS task order of $50,000 was provided to the OSC after his initial request for ERRS support on 6/16/2016 and increased to $100,000 on 6/17/2016. The ERRS tasks will be incrementally funded as needed.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

A delayed removal action will adversely impact human health and the environment. In addition, there is intense City, State, and Congressional interest in this Site and will continue throughout the duration of this project..

VII. OUTSTANDING POLICY ISSUES

There are no precedent-setting policy issues associated with this site.

VIII. ENFORCEMENT ... For Internal Distribution Only

Per town records, efforts to reach the property owner by telephone and mail as of June 20, 2016 have been unsuccessful. An access request was sent overnight delivery to the owners' residence of record in Florida on June 17, 2016 and was delivered on June 20, 2016.

See attached Confidential Enforcement Strategy for more information.

The total EPA costs for this removal action based on full-time accounting practices that will be eligible for cost recovery are estimated to be $475,000 (extramural costs) + $50,000 (EPA intramural costs) = $525,000 X 1.5191 (regional indirect rate) = **$797,528** [2].

IX. RECOMMENDATION

This decision document represents the selected removal action for the 59 Davis Avenue Fire Response Site in Norwood, MA, developed in accordance with CERCLA, as amended, and is not inconsistent with the National Contingency Plan. The basis for this decision will be documented in the administrative record to be established for the Site.

Conditions at the Site meet the NCP Section 300.415 (b) (2) criteria for a removal action due to the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants; [§300.415(b)(2)(i)];

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release [§300.415(b)(2)(iii)];

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [§300.415(b)(2)(v)];

Threat of fire or explosion [§300.415(b)(2)(vi)];

The availability of other appropriate Federal or State response mechanisms to respond to the release [§300.415(b)(2)(vii)];

I recommend that you approve the proposed removal action. The total extramural removal action project ceiling if approved will be $475,000.

APPROVAL:_____ DATE: 6/21/16

DISAPPROVAL:_____ DATE:_____

[2]Direct Costs include direct extramural costs $475,000 and direct intramural costs $50,000. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs 51.91% x $525,000, consistent with the full accounting methodology effective September 30, 2015. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.